S.B.Civil Misc. Appeal No.655/1994
State of Raj. vs. Shanker Lal

Date of Order: 18.10.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. Narendra Mool Chandani for the appellant.

Heard learned counsel for the appellant.

This appeal has been preferred by the appellant to challenge the order dated 3.9.1994 passed by the learned Addl. District Judge, Barmer in Reference Case No.107/89. By the impugned oder, the learned court below increased the compensation for the land in question from Rs.1021/- per bigha to Rs. 5000/- per bigha and awarded solatium at the rate of 30% and the other amount which is not relevant for the purpose of deciding this appeal. According to the learned counsel for the appellant, the Land Acquisition Officer, after considering the evidence, awarded compensation for the land in question @ Rs.1021/- per bigha and the respondent claimant failed to produce any sale-deed to prove the higher value of the land.

I considered the submissions of the learned counsel for the appellants and perused the record also.

It appears from the record that the Notification was issued for acquisition of the land on2 3.10.1987. The Land Acquisition Officer considered the land cost which was sold by registered sale-deed dated

12.1.1984 for Rs.1021/- per bigha and the sale deed dated 28.12.1982 by which the land was sold @ Rs.1088/- per bigha. The Land Acquisition Officer relied upon the sale consideration shown in the sale deed dated 12.1.1984 as equivalent cost for the land in question. The claimant gave his statement stating therein that his four bighas of land was acquired and that land was irrigated land irrigated by well and was acquired in the year 1987. It is also submitted by the land owner and his witness that the adjoining land was acquired by the Military Department of the Union of India and for which compensation @ Rs.4000/- was paid. The claimant claimed that his land cost as in the year 1987 was Rs.14,000/- to Rs.15,000/- per bigha. But it appears from the record that the land owner did not produce any sale deed to prove the value of their land as Rs.14,000/- to Rs/15,000/- per bigha, however, the Land Acquisition Officer failed to notice that the sale-deeds which was relied upon by the Land Acquisition Officer were executed in the year 1984 whereas the acquisition proceedings in the present case were initiated on 23.10.1987 after more than three years from the sale deeds relied upon by the Land Acquisition Officer. The civil court, after appreciation of the evidence, reached to the conclusion that the compensation claimed by the claimant @ Rs.14,000/- to Rs.15,0000/- cannot be allowed, rightly held that the land cost can be Rs.5,000/- per bigha. The land even in the year 1984 was sold for a consideration of Rs,1021/- per bigha and the

land of the claimant was irrigated land.

In view of the above, I do not find any illegality in the order passed by the court below. Hence the appeal is hereby dismissed.

(**PRAKASH TATIA),J.**

mlt.